

1 **ARIZONA STATE BOARD OF PHARMACY**
2 **1616 W. Adams Street, Room 120**
3 **Phoenix, Arizona 85007**
4 **(602) 771-2727**

5 In the Matter of:

6 **BRENDA SMITH,**

7 Holder of License No. T026603

8 As a Pharmacy Technician in the State of
9 Arizona

FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 12-0042-PHR

11
12 Pursuant to Notice of Hearing Number 12-0042-PHR (Notice) this matter came before
13 the Arizona State Board of Pharmacy (Board) on January 24, 2013.

14 Daniel Milovich, president, presided with vice-president Tom Van Hassel and members
15 James W. Foy, William Francis, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John
16 Musil, and Nona Rosas in attendance.

17
18 The State was represented by the Office of the Attorney General, Monty Lee, Assistant
19 Attorney General, Licensing and Enforcement Section. Brenda Smith, (Respondent) was not
20 present and was not represented by an attorney. The Board granted the State's motion to deem
21 the allegations in the Complaint to be admitted. Based upon A.R.S. § 32-1927.01(O) and the
22 Complaint and Notice of Hearing No. 12-0042 filed in this matter, the Board issues the
23 following Findings of Fact and Conclusions of Law, and Order revoking Respondent's license.
24 The Board, after considering the testimony and evidence presented, hereby issues the
25 following Findings of Fact, Conclusions of Law, and Order.
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1 **FINDINGS OF FACT**

2 1. During all relevant times to these findings, Respondent worked as a pharmacy
3 technician at Walgreens Pharmacy #9571 located at 1020 North Highway 89, Chino Valley,
4 Arizona (the "Pharmacy").
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6 2. On or before April 27, 2012 Respondent was interviewed by Walgreens
7 personnel regarding the theft of medications over the preceding four (4) months. Respondent
8 admitted stealing 500 Hydrocodone/APAP 10/325 tablets, 120 Carisoprodol 350 mg tablets,
9 60 Alprazolam 1mg, 22 HC-IBU 7.5/200 tablets, 60 Ibuprofen 800 mg tablets and 30
10 Cephalexin 500 mg tablets from the Pharmacy stock shelves without a valid prescription and
11 without paying for the medication over a four (4) month period for personal use.
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14 3. On or about February 7, 2012 Respondent was interviewed by Walgreens
15 personnel regarding her activities relating to the stolen tablets of Hydrocodone/APAP 5/500,
16 Carisoprodol 350 mg, Alprazolam 1mg, HC-IBU 7.5/200, Ibuprofen 800 mg and Cephalexin
17 500 mg. Respondent admitted that she had stolen approximately 500 tablets of
18 Hydrocodone/APAP 10/325, 120 tablets of Carisoprodol 350 mg, 60 tablets of Alprazolam
19 1mg, 22 tablets of HC-IBU 7.5/200, 60 tablets of Ibuprofen 800 mg and 30 tablets of
20 Cephalexin 500 mg from the Pharmacy for personal use.
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24 4. Respondent was terminated from her employment with the Pharmacy for
25 violation of company policy stemming from her theft of these drugs.
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27 **CONCLUSIONS of LAW**

28 1. The Board possesses jurisdiction over the subject matter and over Respondent
29 pursuant to A.R.S. § 32-1901 *et seq.*

1 2. The Board may discipline a pharmacy technician who has engaged in
2 unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

3
4 3. The conduct and circumstances described above constitutes unprofessional
5 conduct pursuant to A.R.S. § 32-1901.01(C) (2) (Violating a federal or state law or
6 administrative rule relating to the manufacture or distribution of drugs or devices).

7 4. The conduct and circumstances described above constitutes unprofessional
8 conduct pursuant to A.R.S. § 32-1901.01 (C) (6) (Committing a felony, whether or not
9 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug related
10 offense).

11 5. The conduct and circumstances described above constitutes a violation of A.R.S.
12 § 32-1968 (A) (A prescription-only drug shall be dispensed only on a written or electronically
13 transmitted prescription from a licensed medical practitioner).

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16 **ORDER**

17 In view of the above Findings of Fact and Conclusions of Law, the Board issues the
18 following Order:

19
20 The pharmacy technician license issued to Brenda Smith is hereby revoked.

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22 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

23 Respondent is hereby notified of the right to petition for a rehearing or review by filing
24 a petition with the Board's Executive Director within thirty (30) days after service of this
25 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting
26 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of
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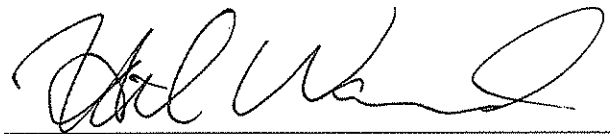
1 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
2 (35) days after it is mailed to Respondent.

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4 Respondent is further notified that the filing of a motion for rehearing is required to
5 preserve any rights of appeal to the Superior Court.

6 DATED this 31st day of January, 2013.

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8 **ARIZONA STATE BOARD OF PHARMACY**

9 SEAL

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11 

12 Hal Wand, R.Ph.
13 Executive Director

14 COPY OF THE FOREGOING MAILED
15 by CERTIFIED & REGULAR FIRST-CLASS MAIL
16 this 31 day of January, 2013, to:

17 Brenda Smith
18 515 Gold Rush Way
19 Chino Valley, Arizona
20 Respondent

21 COPY OF THE FOREGOING MAILED
22 this 31 day of January, 2013, to:

23 Christopher Munns
24 Assistant Attorney General
25 1275 W. Washington Street, CIV/SGO
26 Phoenix, Arizona 85007
27 Attorney for the Board

28 and

29 Monty Lee
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the State

Receipt # twP